

BEFORE THE TENNESSEE REGULATORY AUTHORITY

AT NASHVILLE, TENNESSEE

November 15, 2001

IN RE:

COMPLAINT OF BELL SOUTH  
TELECOMMUNICATIONS, INC. REGARDING  
THE PRACTICES OF GLOBAL CROSSING  
TELECOMMUNICATIONS, INC. IN THE  
REPORTING OF PERCENT INTERSTATE  
USAGE FOR COMPENSATION FOR  
JURISDICTIONAL ACCESS SERVICES

DOCKET NO.  
01-00913

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ORDER DENYING *JOINT MOTION TO SET ASIDE PROCEDURAL SCHEDULE*

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**The Parties' Filings**

BellSouth Telecommunications, Inc. ("BellSouth") filed its *Complaint* against Global Crossing Telecommunications, Inc. ("Global Crossing") with the Tennessee Regulatory Authority (the "Authority") on October 19, 2001. At the regularly scheduled Authority Conference held on October 23, 2001, the Directors of the Authority ordered that Global Crossing's response to BellSouth's *Complaint* should be filed no later than November 2, 2001, that the General Counsel or his designee be appointed as Hearing Officer on the merits, and that this matter "be resolved within 60 days."<sup>1</sup> On November 8, 2001, the Hearing Officer issued an *Order Establishing Procedural Schedule*, which states that a Hearing in this matter shall be held on December 11, 2001, in keeping with the mandate of the Authority.

On November 9, 2001, the parties filed a *Joint Motion to Set Aside Procedural Schedule*

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<sup>1</sup> Transcript of Authority Conference, October 23, 2001, p. 25.

*and Convene Pre-Hearing Conference*, in which the parties request that the Hearing Officer set aside the November 8, 2001 procedural schedule and convene a pre-hearing conference for the purpose of arriving at a revised schedule. As grounds for this request, the parties state that “this complaint involves matters going back to 1994 and that the discovery necessary to develop a complete evidentiary record will likely require substantially more time than the proposed schedule allows.”<sup>2</sup> The parties further state: “Global Crossing also anticipates the filing next week of pre-hearing motions which, if granted, could result in the dismissal of the complaint or the suspension of these complaint proceedings pending the outcome of other, related litigation.”<sup>3</sup> The parties add, finally, that “[w]hile the parties do not wish to delay the expeditious handling of this complaint, they do not believe that it is necessary, prudent or even possible to meet the procedural schedule proposed by the Hearing Officer.”<sup>4</sup>

In addition, on November 13, 2001, Global Crossing filed a *Motion for Extension of Time*, in which Global Crossing requests a two-day extension of the time for filing discovery and a list of issues established in the Hearing Officer’s *Order* of November 8, 2001. Global Crossing states that counsel for BellSouth does not oppose Global Crossing’s request as long as BellSouth receives an additional two days to respond to discovery. Global Crossing notes that at the time it filed its *Motion* the Hearing Officer had not notified the parties whether their *Joint Motion* had been granted.

### **Discussion**

The mandate to resolve this case within sixty (60) days is a central condition of the Hearing Officer’s commission to hear this case, as issued by the Authority’s Directors at the October 23, 2001 Authority Conference. The procedural schedule established in the Hearing

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<sup>2</sup> *Joint Motion to Set Aside Procedural Schedule and Convene Pre-Hearing Conference*, Docket No. 01-00913, November 9, 2001, p. 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

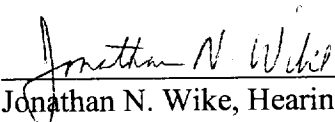
Officer's *Order* of November 8, 2001 is designed to effectuate that mandate. The parties' *Joint Motion* appears irreconcilable with the Authority's mandate, and therefore must be denied.

**IT IS THEREFORE ORDERED THAT:**

1. The parties' *Joint Motion to Set Aside Procedural Schedule and Convene Pre-Hearing Conference* is denied.
2. The *Motion for Extension of Time*, filed by Global Crossing, is granted, consistent with the restrictions on extensions of time set forth in the Hearing Officer's *Order* of November 8, 2001.
3. Global Crossing shall have until November 15, 2001 to file its lists of issues and discovery requests.

ATTEST:

  
K. David Waddell, Executive Secretary

  
Jonathan N. Wike, Hearing Officer